

1 Indira J. Cameron-Banks (Cal. Bar No. 248634)

2 *Indira@CameronJones.Law*

3 Terrence M. Jones (Cal. Bar No. 256603)

4 *Terrence@CameronJones.Law*

5 CAMERON | JONES LLP

6 8383 Wilshire Boulevard, Suite 800

7 Beverly Hills, California 90211

8 (424) 757-0585 | [www.CameronJones.law](http://www.CameronJones.law)

9 Attorneys for Defendant

10 BENJAMIN TODD ELLER

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA

13 JULIA HUBBARD, et al.,

14 Plaintiff(s),

15 vs.

16 TRAMMELL CROW, et al.,

17 Defendant(s).

) Case No.: 2:22-CV-7957-FAR-MAA

) **DEFENDANT BENJAMIN TODD**

) **ELLER'S SEPARATE**

) **STATEMENT OF FACTS IN**

) **RESPONSE TO MARCH 6, 2023**

) **ORDER TO SHOW CAUSE**

) **(DKT 87)**

) [*Declaration Of Indira J. Cameron-*  
) *Banks; Declaration of Benjamin Todd*  
) *Eller*]

) Honorable Fernando L. Aenlle-Rocha

Defendant Benjamin Todd Eller (hereinafter, “Eller”) hereby submits this Statement, along with Declarations of Indira J. Cameron-Banks and Benjamin Todd Eller in response to the Court’s March 6, 2013 Order to Show Cause as to why this case should not be transferred pursuant to 28 U.S.C. § 1404 (Dkt. 87).

When considering whether to transfer a case pursuant to §1404, the district court may consider facts outside the pleadings. *See generally Argueta v. Banco Mexicano, S.A.*, 87 F.3d 320, 324 (9th Cir. 1996); *Fluence Energy, LLC v. M/V BBC Finland*, 584 F. Supp. 3d 878, 886 (S.D. Cal. 2022).

This lawsuit was filed in the Central District of California ***solely*** based on Eller’s alleged bad “acts” characterized as “central to and essential to the work of the Venture described herein.” (Compl. ¶ 53) Thus it is appropriate for the Court to exercise its discretion to consider disputed facts about the “acts” described in the Complaint as they are the only reason this lawsuit was initiated in the Central District of California.

The Complaint’s allegations, which are generally conclusory and implausible, and rely on embedded images of altered purported documents to support the allegations that are “central to and essential” to grounding venue in this District. As set forth in the attached declarations and exhibits, these documents (and allegations based on them) are ***false, fraudulent*** and/or ***intentionally misrepresented*** in the Complaint, and thus cannot, and should not, be considered for the purposes for establishing venue, or justifying Plaintiff’s choice of forum in the Central District of California.

Dated: March 24, 2023

CAMERON | JONES LLP

/s/ Indira J. Cameron-Banks

Indira J. Cameron-Banks  
Attorneys for Defendant  
BENJAMIN TODD ELLER